

FILED 2 MAR 2010 USDC OR

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

Portland _____ DIVISION

ROBERT J. PETERICH

(Enter full name of plaintiff)

Plaintiff,

v.

Civil Case No. 3:20-cv-00342-SI
(to be assigned by Clerk's Office)

COMPLAINT FOR VIOLATION OF CIVIL
RIGHTS (PRISONER COMPLAINT)

Columbia County

Columbia County Faciolz

STATE OF OREGON, ET AL

(Enter full name of ALL defendant(s))

Jury Trial Demanded

Yes No

Defendant(s).

I. PARTIES

List your name, address, and telephone number below, and the same information for each defendant. Make sure that the defendant(s) listed below are identical to those contained in the caption of the complaint. Attach additional sheets of paper if necessary.

Plaintiff

Name: ROBERT J. PETERICH
Street Address: Po Box 6000
City, State & Zip Code: SHERINAN, OR. 97378
Telephone No.: _____

Defendant No. 1

Name: COLUMBIA COUNTY
Street Address: 230 Strand Street, Street
City, State & Zip Code: St. Helens OR. 97051
Telephone No.: _____

Defendant No. 2

Name: COLUMBIA COUNTY POLICE
Street Address: 1225 ~~1200~~ 901 Port Ave.
City, State & Zip Code: St. Helens OR. 97051
Telephone No.: _____

Defendant No. 3

Name: STATE OF OREGON
Street Address: _____
City, State & Zip Code: _____
Telephone No.: _____

Defendant No. 4

Name: _____
Street Address: _____
City, State & Zip Code: _____
Telephone No.: _____

II. BASIS FOR JURISDICTION

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. You are bringing suit against (check all that apply):

Federal officials (a *Bivens* claim)

State or local officials (a § 1983 claim)

B. What federal constitutional, statutory, or treaty right(s) is/are at issue?

① EXCESSIVE FORCE

② ASSAULT

③ NEGLIGENCE ALL UNDER "1983"

III. STATEMENT OF CLAIMS

Claim I

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

DURING A POLICE CHASE I GOT OUT OF A CAR
AND RAN INTO A OPEN AREA WHERE
I PUT MY HANDS UP AND SURRENDERED
VERBALLY. THE POLICE RELEASED
A POLICE DOG ON ME NEEDLESSLY
THAT BITE MY ARM CAUSING
PERMANENT DAMAGE. (See SMITH V CITY OF
HOME 394 F.3d 689,703 (9THCIR 2005) FINDING
POLICE DOG BITE COULD RESULT IN A UNREASONABLE
ASSAULT BY A JURY (SPP 11A TO 3/A)

Claim II

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

THE POLICE DOG HAD TITANIUM
CAPS ON ITS TEETH AND

1/A

42 USC 1983 ASSERTS THE
DEFENDANT HAS A 4TH AMENDMENT
RIGHT UNDER THE CONSTITUTION TO
BE FREE FROM EXCESSIVE FORCE.

many cases have ruled as
THIS DEFENDANT CLAIMS IN HIS
1983 ACTION THAT A JURY WILL
FIND IN HIS FAVOR THAT EXCESSIVE
FORCE WAS USED IN HIS ARREST.

THE POLICE HAD TAKERS AND
OUT NUMBERED THE SURROUNDING
DEFENDANT AND IT IS THIS "TOTAL
FORCE" THAT MUST, BE, THAT ~~WOULD~~
BE EVALUATED BY THE JURY.

3/A

THE LAW ALLOWS LAW ENFORCEMENT
TO USE "OBJECTIVELY REASONABLE
FORCE AND AS IN *Gonzales v City of
Anaheim* 747 F.3d 789 (9th Cir 2014) FACTORS
IN EVALUATING REASONABILITY INCLUDE,
BUT ARE NOT LIMITED TO THE SEVERITY
OF THE CRIME AT ISSUE, WHETHER THE
SUSPECT POSED AN IMMEDIATE THREAT TO
POLICE OR OTHERS AND WHETHER THE
SUSPECT RESISTED ARREST. IN ALL
THE ABOVE SCENARIO'S THE ANSWER
IS NO AND THERE IS NO PROOF TO
OPPOSE THIS CLAIM ANYWHERE,

3/A

THE OFFICERS FAILED TO ISSUE
PROPER WARNINGS BEFORE INITIATING
A BRUTAL DOG ATTACK WITHOUT CAUSE
AND HAD OTHER METHODS AVAILABLE
THAT WERE LESS INTRUSIVE. THERE
WAS NO THREAT OF DEATH OR SAFETY
TO THE OFFICERS OR ANYONE
ELSE AND THE OFFICERS ACTIONS
IN THIS MATTER WHERE
UNREASONABLE. THERE WAS NO
RESISTING OF ARREST ONCE HE
SAT DOWN IN THE OPEN FIELD, PUT
HIS HANDS UP AND YELLED "I SURRENDER"

IS A POLICE OFFICER UNDER
THE LAWS OF THE UNITED
STATES. THE POLICE OFFICER
AND HIS POLICE DOG ASSAULTED
ME WITHOUT CAUSE AND
USED EXCESSIVE FORCE
THAT WAS NOT NECESSARY AS
I HAD CLEARLY SURRNDERED

Claim III

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

NEGLIGENCE WAS CAUSED BY
THE POLICE OFFICER/DOG
HANDLER DUE TO THE FACT
HE RELEASED THE POLICE
DOG AND ORDERED IT TO ATTACK
ME EVEN THOUGH MY HANDS WERE
IN THE AIR AND I WAS YELLING
'I SURRNDER' AT THE TOP
OF MY LUNGS

(If you have additional claims, describe them on another piece of paper, using the same outline.)

1/C

NEGLIGENT WAS UNDOUBTABLY
PART OF THIS CASE AND THE POLICE
WHERE WELL AWARE THEIR ACTIONS
VIOLATED THE WELL ESTABLISHED
STATUTORY AND CONSTITUTIONAL
RIGHTS OF THE SUSPECT. EXISTING
AND CLEARLY ESTABLISHED RIGHT
WHERE KNOWN TO THE OFFICERS OR
SHOULD HAVE BEEN KNOWN TO THE
OFFICER AS TO THE CIRCUMSTANCES
IN WHICH A DOG CAN BE TOLD TO
ATTACK A HUMAN BEING. THIS
CASE SHOWS MISCONDUCT PLAIN

2/C

AND CLEAR, OTHER OFFICER ALSO
WERE AWARE AND FAILED TO STOP
THE ATTACK. IT WAS SUFFICIENTLY
CLEAR THAT THE ENTIRE GROUP
OF OFFICERS WOULD UNDERSTAND
THAT WHAT THEY DID WAS A
VIOLATION OF THE SUSPECTS
RIGHTS ON MANY FRONTS. THESE
OFFICERS ARE NOT ENTITLED TO
ANY QUALIFIED IMMUNITY AND
NO SUMMARY JUDGEMENT CAN
AFFORD A QUALIFIED IMMUNITY
DETERMINATION BEFORE A TRIAL

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

I have filed for administrative relief as to all claims in Section III and have concluded all administrative appeals available to me.

Yes

No

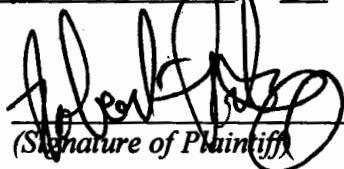
V. RELIEF

State briefly exactly what you want the court to do for you and the amount, if any, of monetary compensation you are seeking. Make no legal arguments. Cite no cases or statutes.

I WANT MY ARM REBUILT
DAMAGED REPAIR AND SOME
SORT OF COSMETIC SURGERY
TO COVER THE BRUTAL SCARES.
I ALSO WANT \$4 MILLION
DOLLARS (\$4,000,000.00) AS
JUST COMPENSATION FOR MENTAL AND
PHYSICAL DAMAGE INFILCTED UPON ME
DURING THE NEGLIGENCE AND
ASSAULT USING EXCESSIVE FORCE AGAINST ME.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 01 day of MARCH, 2020.


(Signature of Plaintiff)